IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 1929 of 2005

Between:

Nagam Kali Prasad S/o late Appa Rao, Occ: Business, r/o D.No.4-6-5, Woodpeta, Anakapalle, Visakhapatnam District.

..... PETITIONER

AND

1. Registrar, Debt Recovery Tribunal at Visakhapatnam.
2. Bank of India represented by its Senior Branch Manager, Anakapalli, Visakhapatnam District.
3. M/s.City Poultry Farm, Anakapalli represented by its Managing Partner K.V.V.Suryaprakash Rao r/o Anakapalli, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, declaring the Auction Notice 28-1-2005 issued by the 2nd respondent contemplating to auction the property of the 3rd respondent herein on 9-2-2005 as being illegal, arbitrary and violative of principles of natural justice and also violative of Article 14 of the Constitution of India and consequently stay all further proceedings pursuant to the said notice by providing clear and marketable title to the petitioner in respect of the said property before insisting to pay the bid amount.

Counsel for the Petitioner:MR.P.VENUGOPAL

Counsel for the Respondent Nos.1 and 3: None appeared.

Counsel for the Respondent No.2: Mr.V.Ajay Kumar

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

There is hardly any ground to interfere at this stage with the proceedings in exercise of writ jurisdiction where properties have been sold by the Debts Recovery Tribunal, Visakhapatnam in proceedings pending between the second and third respondents. Petitioner is the auction purchaser and as a matter of fact, was declared as the highest bidder and having deposited earnest money of 10%, did not deposit the balance amount on the pretext that some civil proceedings are pending and that he would deposit the said amount only after the civil suit is decided.

Such an objection and in such like matters, filing of writ petition is not proper. Petitioner has to work out his remedies by appearing before the Tribunal.

Petition dismissed.

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DEVINDER GUPTA, CJ

8-2-2005

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M.NARAYANA REDDY, J

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To

1. The Registrar, Debt Recovery Tribunal at Visakhapatnam.
2. The Senior Branch Manager, Bank of India, Anakapalli, Visakhapatnam District.
3. The Managing Parnter, M/s.City Poultry Farm, Anakapalli, r/o Anakapalli, Visakhapatnam District.

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